



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**JUN 11 2015**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Randy Patterson  
Rutherford County Airport Authority  
622 Airport Road  
Rutherfordton, North Carolina 28139

**SUBJ: SPCC Inspection Letter of Deficiency**  
**Rutherford County Airport Authority**  
**SPCC Inspection Number: NC1503-007**

Dear Mr. Patterson:

On May 12, 2015, representatives of the U.S. Environmental Protection Agency Region 4 (EPA Region 4) inspected Rutherford County Airport Authority's facility located at 622 Airport Road, Rutherfordton, NC. The purpose of this inspection was to determine the facility's compliance status with the requirements of the Oil Pollution Prevention Regulations at Title 40 of the Code of Federal Regulations (40 CFR) Part 112, promulgated pursuant to Section 311(j) of the Clean Water Act (the Act), 33 U.S.C. § 1321(j).

The inspection revealed the following deficiencies:

- 1) Failure to prepare a written Spill Prevention Control and Countermeasure (SPCC) Plan for the facility as required by 40 CFR § 112.3(a) in accordance with the guidelines for plan preparation at 40 CFR § 112.7:
  - a) Plan did not discuss countermeasures for discharge discovery, response, and cleanup as required by 40 CFR § 112.7(a)(3)(iv);
  - b) Plan did not include a list with the phone numbers of individuals and agencies to contact in the event of a discharge as required by 40 CFR § 112.7(a)(3)(vi);
  - c) Plan did not discuss the method, design, nor capacity of secondary containment for piping, tanker truck loading/unloading areas, nor for mobile refuelers as required by 40 CFR § 112.7(c) (Note that secondary containment in these areas can be active and/or passive in design and should address the typical failure mode and the most likely quantity of oil that would be discharged);
  - d) Plan did not discuss any applicable more stringent state rules and regulations as required by 40 CFR § 112.7(j);
  - e) Plan did not discuss the qualifications of personnel performing tests and inspections in accordance with industry standards as required by 40 CFR § 112.8(c)(6);
  - f) Plan did not discuss liquid level sensing devices as required by 40 CFR § 112.8(c)(8);
  - g) Plan did not discuss pipe terminal connections nor vehicle warning mechanisms as required by 40 CFR § 112.8(d)(2 & 5).

- 2) Failure to implement a SPCC Plan as required by 40 CFR § 112.3(a) in accordance with the guidelines for plan implementation at 40 CFR § 112.7 and/or § 112.8:
- a) Secondary containment is not provided for all bulk storage containers as required by 40 CFR § 112.8(c)(2);
  - b) Records of dike drainage events are not maintained as required by 40 CFR § 112.8(c)(3);
  - c) Records of inspections and tests are not maintained as required by 40 CFR § 112.7(e) and § 112.8(c)(6).

Technical Recommendation:

- Bulk storage containers must be permanently closed per the definition of *permanently closed* at 40 CFR § 112.2 for such containers to be exempt from the SPCC regulation.

Please correct the deficiencies in accordance with the regulations and submit a notarized copy of the enclosed "Statement of Correction" within sixty (60) days after receipt of this letter to:

Ted Walden  
Superfund Division  
EPA Region 4  
61 Forsyth St. SW  
Atlanta, GA 30303

In the event that the Rutherford County Airport Authority is unable to submit the "Statement of Correction" within the 60 day period, please notify me in writing or email. I will advise you of an alternative acceptable date for the SPCC Plan amendments and implementation.

Please be advised that notwithstanding the issuance of this letter or the receipt of your "Statement of Correction," pursuant to Section 311 of the Act, 33 U.S.C. § 1321, EPA Region 4 retains the right to bring an enforcement action against the Rutherford County Airport Authority based on the deficiencies cited in this letter.

If you have any questions regarding this letter or the enclosure, please contact me at (404) 562-8752 or [walden.ted@epa.gov](mailto:walden.ted@epa.gov).

Sincerely,



Ted Walden  
Federal On-Scene Coordinator  
Emergency Response and Removal Branch

Enclosures

- (1) Statement of Correction
- (2) Mobile Refueler Fact Sheet

Case Number: NC1503-007

**STATEMENT OF CORRECTION**

I hereby certify under penalty of perjury that all deficiencies listed in the Letter of Deficiency dated \_\_\_\_\_ have been corrected and that \_\_\_\_\_ is now in compliance with all requirements of 40 CFR Part 112.

\_\_\_\_\_  
Owner's/Operator's Name

\_\_\_\_\_  
Owner's/Operator's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Facility

Sworn to and before me this

\_\_\_\_\_ day of \_\_\_\_\_, 201\_

\_\_\_\_\_  
NOTARY PUBLIC



## Spill Prevention, Control, and Countermeasure (SPCC) Rule Amendments

### ***Streamlined Requirements for Mobile Refuelers***

In December 2006, EPA amended the SPCC rule to streamline some of the requirements for facilities with smaller oil storage capacity and specific types of equipment, including those for sized secondary containment for mobile refuelers. Owners and operators of mobile refuelers at a non-transportation-related facility will no longer need to provide sized secondary containment systems, which are systems large enough to contain the capacity of the largest single compartment or container on a mobile refueler along with enough room to contain precipitation. Providing sized secondary containment for vehicles that move frequently within a facility to perform refueling operations can raise safety and security concerns. However, the SPCC rule's general secondary containment requirements still apply to mobile refuelers as well as containment requirements associated with oil transfers.

#### **What is a mobile refueler?**

A mobile refueler is a bulk storage container onboard a vehicle or being towed that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Mobile refuelers may be found at the following non-transportation-related locations: industrial sites, airports, military bases, construction sites, chemical complexes, mining sites, seaport terminals, and tank truck home bases.

#### **How do the new changes apply to mobile refuelers?**

Mobile refuelers are now exempt from the following sized secondary containment provisions that still apply to all other bulk storage containers and mobile/portable bulk storage containers:

- Sections 112.8(c)(2) and (11) for petroleum oils
- Sections 112.12(c)(2) and (11) for animal fats and vegetable oils

These provisions previously required sized secondary containment for mobile refuelers, such as a dike or catchment basin, of sufficient size to contain the capacity of the largest

compartment or container on a mobile refueler along with enough room to contain precipitation.

The exemption does not apply to refuelers used primarily for the bulk storage of oil in a fixed location in place of stationary containers (e.g., a refueler that no longer can move or conduct transfers and is left only to serve as a bulk storage container).

#### **What secondary containment requirements continue to apply?**

General secondary containment requirements in §112.7(c) still apply to mobile refuelers at SPCC regulated facilities.

General secondary containment should be designed to address the most likely discharge from the container and from oil transfers into or from the mobile refueler. The general secondary containment requirements:

- Do not prescribe a size for a secondary containment structure but require that the containment system prevent the spilled oil from escaping the system prior to clean up occurring
- Require appropriate containment and/or diversionary structures or equipment to prevent a discharge to navigable waters or adjoining shorelines